Reg No. B G. 202

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, SATURDAY, SEPTEMBER 20, 1969 (BHADRAPADA 29, SAKA ERA 1891) | No. 456

PART VI

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE, BANGALORE.

Notification dated 20th September 1969.

Subject.—Notice of the disposal of the lease of the Right of Retail Vend of Liquors.

No. EXE. EXS. I. 116/69-70. Whereas the Deputy Commissioner of South Kanara District, Mangalore, has reported that five persons namely (1) P. Sanjeeva Poojary, (2) Sri K. Koosa Poojary, (3) Sri Padmanabha Shetty, (4) Sri Y. Vittal Shetty, (5) Sri William Rebello, the highest bidders of Toddy shops of Udipi Taluk, Mangalore Taluk, Karkala Taluk and Coondapur Taluk, respectively, in South Kanara District in the resale held on 11th August 1969 have failed to deposit the security as required under Rule 17 (1) (b) and whereas Government in their Order No. HD. 441 EDC 69, dated 19th September 1969 have set aside the sales and directed the disposal of the right of public auction under Rule 18 (1) of the Mysore Excise (Lease of Right of Retail Vend of Liquors) Rules 1969. It is hereby notified that the right of retail vend of toddy in 7 toddy shops of the above taluks in South Kanara District will be disposed of by public auction by the Deputy Commissioner, South Kanara District, for the remaining part of the Excise Year 1969-70 at the time and place indicated in Schedule II of this notification. The shops will be disposed of shopwise as indicated in Schedule I and in accordance with the powers vested in the Deputy Commissioner under Rule 10 of the Mysore Excise (Lease of the Right of Retail Vend of Liquors) Rules, 1969.

1 (a) Every intending bidder shall deposit by way of earnest money at the rate of rupees five hundred (Rs. 500) per shop or one-fourth of the monthly rent of each shop or groups of shops in the previous year, whichever is less, either in cash or in the form of a demand draft on any of the Scheduled Banks in favour of the Deputy Commissioner of the District concerned.

(b) Persons who have not made such deposits shall not be entitled to bid at the auction.

(c) The Officer receiving such deposits will issue a receipt for the earnest money deposited.

2 A person disqualified under Rule 7 of the Mysore Excise (Lease of the Right of Retail Vend of Liquors) Rules, 1969 is not entitled to bid.

3 The auction shall commence at 10 A.M. on the date and at place specified in Schedule IV. If the auction is not concluded on that date, it will be continued on the following days even if such days are general holidays.

4 (a) The Deputy Commissioner shall cause the sale notification to be read out and explained in Kannada. Thereafter he shall prepare a list of intending bidders in respect of each shop or groups to be auctioned.

(b) Names of persons who have not deposited the earnest money required under condition 1(a) above, will not be included in the list.

(c) After such list is prepared, bids in respect of each shop or group of shops, shall be invited ordinarily in the same order in which they are notified.

5 The Deputy Commissioner may reject any bid on the ground that such a bid is too low or for any other reasons to be recorded in writing.

6 (a) No person other than a power of Attorney holder shall be entitled to offer bids in the name of another person.

(b) In the case of a Firm, Company or other body corporate, only the person duly authorised in this behalf can offer bids on behalf of the Firm, Company or body corporate.

7 The bids offered will be recorded in the list referred to above and the signature of the highest bidder will be obtained in token of his offer.

8 After all the shops or groups of shops are auctioned, the Deputy Commissioner shall accept provisionally the highest bid amount recorded and announce the same. Such acceptance shall be subject to confirmation by the State Government.

9 (a) The person whose bid is accepted provisionally shall immediately on the very day, make a deposit of an amount which together with the earnest money deposited earlier is equal to one month's rent of the shop or group of shops for which his bid is provisionally accepted.

(b) If such deposit is not made, the provisional acceptance of the bid shall stand cancelled, the earnest money will be liable to be forfeited and the Deputy Commissioner may either accept provisionally the next highest bid, or dispose of the right of retail vend of liquors afresh. In either case, the disposal shall be at the risk of the defaulter who shall not be entitled to any excess amount realised but shall be liable for the losses sustained by the State Government. The State Government shall be entitled to assess such loss and recover it from the defaulter as if it were an arrears of land revenue.

(c) A defaulter shall not be entitled to bid at such re-auction.

10 Earnest money deposited will be returned to the unsuccessful bidders, on application to the concerned authority.

11 The State Government shall on consideration of the records pass order confirming the disposal of the lease of the right of retail vend of liquors or refusing to confirm it. Such order will fortwith be communicated to the persons concerned.

12 Within seven days from the date of confirmation the person whose bid is confirmed should execute a lease deed in favour of the State Government incorporating the terms and conditions under which the right of retail vend of liquors is leased in his favour.

13 (a) Within seven days from the date of confirmation the person whose bid is confirmed should submit an application, together with a list of sites with boundaries, selected by him for locating the shop or shops, for a licence in respect of each of the shops to the Deputy Commissioner.

(b) Within fifteen days from the date of confirmation, he shall furnish security for an amount equal to three months' rent in the form of cash deposit or cash deposit for an amount equal to one month's rent and Government securities or other securities recognised by the State Government or an irrevocable guarantee given by a Schedule Bank, for an amount equal to two months' rent.

(c) After the above conditions are complied with the Deputy Commissioner will issue licenses for each shop.

14 (a) If the conditions 12 and 13 are not complied with, within the stipulated period, the lease of the right of retail vend of liquors will be cancelled by the State Government the deposits made by him shall be liable to be forfeited; and the lease of the right of retail vend of liquors will be disposed of afresh in such manner as the State Government may direct.

(b) Such disposal shall be at the risk of the defaulter who shall however be not entitled to any excess amount realised in that process, but shall be liable for all the losses sustained by the State Government. The State Government shall be entitled to assess such loss and recover it as if it were arrear of land revenue.

15 (a) All deposits unless forfeited will be adjusted towards the final monthly rents, payable by the licensee.

(b) Any amount not exceeding one month's rent may be retained by the Deputy Commissioner for a period not exceeding three months after the expiry of the lease period in order that adjustment, towards any sum that may be found due to the State Government on any account may be made.

16 (a) The Excise Commissioner will be competent to accord sanction for the increase or reduction in the number of shops:

(b) Any increase in the number of shops at the request of a licensee, shall be subject to the payment of an additional rent by the licensee in respect of the increased number of shop or shops, at the rate of rupees one hundred per shop per year.

17 The Deputy Commissioner or the Excise Commissioner may, either on the application of a licensee or otheriwise and for reasons to be recorded in writing, direct the closure or shifting of a shop from one place to another and the licensee shall not be entitled to any compensation on account of such closure or shifting.

18 (a) The following rates of tree tax an tree rent as specified below shall be paid by the lessee in advance.

TREE TAX ON TREES

1	Date	Rs. 7-50 per tree for four months
2	Cocoanut	Rs. 8-50 per tree half yearly.
3	Palmyrah	Rs. 7-50 per tree per year.
4	Bagani	Rs. 5-00 per tree per year.
5	Dadasal	Rs. 3-00 per tree per year.
Tree rent on Govt. trees.		Rs. 1-75 per tree.

(b) In addition to the above, the licensee is liable for payment of all other cesses, sales tax, octroi, litre fee, etc., according to law.

19 Shops, if located within five miles dry belt of any adjoining State where Prohibition Laws are in force and the shops nearer to a Railway Station or Railway Workshops, may be ordered to be either closed or shifted to some other site, as the competent authority may deem necessary.

20 Metric measures and weights shall be used in all the licensed shops and depots.

SCHEDULE-I.

Toddy Shops.

1	Udipi Taluk	...	(1) Tody Shop No. 40, Kuthyar.
2	Mangalore Taluk	...	(1) Toddy Shop No. 78, Sasihithlu, (2) Toddy Shop No. 9, Kodialbail, (3) Toddy Shop No. 11, Padavu.
3	Karkala Taluk	...	(1) Toddy Shop No. 34, Kedinje.
4	Coondapur Taluk	...	(1) Toddy Shop No. 17, Paduvari, (2) Toddy Shop No. 48, Voderahobli.

SCHEDULE-II.

Time-Table.

District	*Date*	*Time*	*Place*
1	2	3	4
South Kanara District.	25-9-1969	10 A.M.	Town Hall, Mangalore.

D. J. BALARAJ,
Excise Commissioner.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore